

what we call a hero's welcome? Is this how our Nation shows its gratitude? Closing this gap must be at the top of our 2012 calendar.

There has been some progress. For example, in November, Congress passed and the President signed the Vow to Hire Heroes Act, which provides tax credits to employers who hire veterans. But, Mr. Speaker, we need to do much, much more because unless we take bold action, this problem is going to get much worse before it gets any better as the war in Iraq and, hopefully, the war in Afghanistan winds down and even more returning troops flood the jobs market.

We know what to do. There's no question. We need more job training. We need more technical assistance so that these skilled young people can find the work they need. We need more career counseling and job fairs. We need to increase our investment in veterans' housing initiatives. How about helping veterans become entrepreneurs by starting their own businesses? And basically, we need more jobs in this country.

We must not pinch pennies on veterans. We must not pinch pennies on their health care, and we must make sure that wounded veterans aren't victimized by job discrimination.

So let's get creative here. Let's put our money where our mouth is. If we can spend billions of dollars every month on wars, then certainly we can spend a fraction of that to help the Americans who fought those wars. When they come home they should have a seamless transition back to civilian life.

These wars have already taken too much from all of us, from our country. We can't let them also destroy the job prospects and the successful futures of the people who served so bravely on the front lines. It's time to bring our troops home and, at the same time, provide them with the jobs they need to support their families.

WHAT WE HAVE LEARNED ABOUT THE CONSTITUTION FROM THE EXECUTIVE BRANCH, PART I

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. POE) for 5 minutes.

Mr. POE of Texas. Mr. Speaker, the United States Constitution is the law of the land. It must be followed in the spirit and in the letter of the law.

Article II, in section 2, gives the Executive authority to appoint certain public ministers with advice and consent of the U.S. Senate. When the Senate is in recess, the Executive can make temporary appointments until the end of that legislative session.

See, the Constitution envisions cooperation by the Executive with the Senate over naming persons to offices that rule over the people of America. Both the Executive and the Senate must agree prior to an official appointment.

The Senate, within their legal prerogative, has been blocking three NLRB appointments and the appointment of the head of the new Consumer Financial Protection Bureau.

However, ignoring the Senate, the Executive appointed these people anyway. He declared the Senate was in recess when he made such appointments. But was it?

Well, constitutional experts disagree. The Senate was in a pro forma session. One reason they were in pro forma session was to prevent recess appointments by the executive branch. During pro forma sessions, the Senate can do business and meet another constitutional requirement to not be in recess without permission of the House of Representatives.

More from the Constitution. Article I, section 5 says no Chamber, the House or the Senate, can recess for more than 3 days without the approval of the other Chamber. The House did not and even could not agree to a recess of the Senate because the Senate was in session, not in a recess.

The Executive's claim that the Senate was in a recess is flawed because the House did not consent to any Senate recess. Thus, the Senate legally had to still be in session until the House agreed to a recess under our Constitution.

Furthermore, Congress determines when it's in recess, not the executive branch.

There is more evidence the Senate was in session. The Executive says the pro forma session was not a real session but a recess, so, thus, the recess appointments. However, during this pro forma session, the Senate passed legislation. The controversial payroll tax extension law became law signed by the Executive.

If the Senate was in recess, as the Executive claims, then it seems the payroll extension law is null and void. Why? Because Congress cannot pass legislation unless it's actually in session.

However, the opposite is true. Since the payroll tax law was passed during this pro forma session, and the appointments were made during this pro forma session, the appointments are null and void. They violate the letter and spirit of the Constitution. They were made without confirmation of the Senate. These were not recess appointments because the Senate was in session.

The Executive cannot have it both ways. The Executive cannot use linguistic gimmicks to redefine the words "recess" and "session" to his own liking, just so he can have it his way. The letter and spirit of the Constitution have been bruised and violated by his actions.

The Constitution must be followed, whether one agrees with what it says or not. Even if the Executive wins his argument, which is legally and logically flawed, he has ignored the framework of the Constitution, which is

built on Executive cooperation with Congress.

The Executive went his own way. And that's just the way it is.

CELEBRATING THE 70TH BIRTHDAY OF MUHAMMAD ALI

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. DAVIS) for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, yesterday, January 17, Muhammad Ali became 70 years old, so I rise to salute the champ and to wish him a happy birthday.

Ali has taken a lot of hard licks during his lifetime, but has always gotten up and has always maintained his dignity. Ali lived in and spent a great deal of time in Chicago. He attended events, went to meetings, and was part of community life. Therefore, I got to know him quite well.

A few years ago, after he had become ill with Parkinson's Syndrome, I sat next to Ali at a community banquet, and he was having difficulty holding on to his food and eating. The person on the other side of him was trying to help. Ali was becoming more and more irritated and finally, in a polite but firm manner, said, Thanks, but please leave me alone, I can do this, and he did. And I think that's characteristic of his life.

Born Cassius Clay, Ali converted to Islam, became a Muslim, and changed his name. Ali took hits from individuals and fans who disagreed with this position.

□ 1100

Initially categorized as not qualified to serve in the military because of poor performance on a Selective Service exam, Ali is then reclassified. But in April of 1967, he refused induction into the Army. He is tagged a draft dodger and stripped of his championship and barred from boxing. He is ultimately permitted to return.

As he worked his way toward the title shot at Sonny Liston, there are rumors that the fight might be canceled because of his emerging relationship with Malcolm X and the Nation of Islam. However, the fight does take place. Cassius Clay wins, and a month later, the honorable Elijah Muhammad gives Clay a new name: Muhammad Ali.

Ernie Terrell, a friend of mine, who graduated from high school with my wife and was a heavyweight champion, refused to address Ali by his new name, and Ali whipped him soundly and taunted him by asking him continuously, "What's my name? What's my name?"

Muhammad Ali is known as "The Greatest" to most people for his electrifying style in the boxing ring. But others might call him "The Greatest" for his continued humanitarian efforts outside the world of boxing. Since his retirement in 1981, he has gone on to do great things to help out the less fortunate and disenfranchised people throughout the world.